

REMARKS/ARGUMENTS

Claim 1 has been amended by calling for the inclusion of a blue phosphor. Claim 3 has been canceled. Claims 4 and 13 have been canceled and rewritten respectively as independent claims 33 and 34. Claims 5 and 19 have been amended to refer to "A" in the formula as Tb^{3+} and at least one of the listed activators. Claims 8 and 22 have been canceled as redundant respectively to claims 5 and 19. Claims 27 and 28 have been amended to correct their syntax, i.e., manner in which they refer respectively to claims 32 and 26.

As an initial, minor matter, it is noted that in the Office Action Summary, the claims referred to as pending (before the present amendment) should have been 1-32, not "1-31".

Referring to the body of the Office Action, the first objection is to claims 8 and 22 and these have been canceled as described above.

The objections to claims 5 – 7 and 19 – 21 are believed obviated by the amendments to claims 5 and 19 calling for "A" in the formula to be Tb^{3+} and at least one of the listed activators.

The Examiner states that claims 4, 13 and 27 would be allowables if rewritten in independent form.. Claims 4 and 13 have been so rewritten, but it is believed the Examiner did not intend to include claim 27 as that claim depends from claim 32 , which has been allowed.


The rejection of claims 1 – 3 and 10 35 U.S.C § 102(b) as anticipated by U.S. Patent 6,252,254 to Soules et al. is respectfully traversed on the basis that claim 1 has been amended to call for the inclusion of a blue phosphor. The examiner relies on the reference in Soules et al to three prior patents, namely U.S. Patent Nos. 5,583,879, 5,604,763, and 5,644,584 to show that the LED can be any conventional blue emitting LED, such as the GaN based LEDs in the referenced patents (column 6 line 66 to column 7, line 1. However, not one of these patents incorporates a blue phosphor, nor do any of them even mention any phosphor. Instead, they rely on the LED itself to emit blue light. Similarly, while Soules et al in one embodiment refers to combining their LED with a white light emitting phosphor, which has a blue-green part (column 5, lines 44 – 52), they make very clear that "the blue light component is provided by the blue

LED” (column 6, line 59).

Applicant believes that in view of the foregoing amendments, all the claims should be allowable and therefore solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-0337. If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0337. A duplicate copy of this paper is enclosed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert Berliner', written over a horizontal line.

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